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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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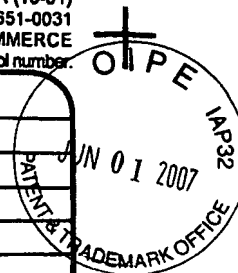
Substitute for form 1449A/PTO

(use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	Unassigned
Filing Date	Concurrently Herewith
First Named Inventor	Michael W. DAHM
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	24741-1538

[illegible][illegible]

**Examiner
Signature**

/Anne Gussow/

Date Considered

02/12/2007

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

10/524544

Please type a plus sign (+) inside this box ☒ PTO/SB/08A (08-00)

105 Rev. 7/01/PTO 14 FEB 2005

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

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Application Number	Unassigned
Filing Date	Concurrently Herewith
First Named Inventor	Michael W. DAHM
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	24741-1538

Sheet 2 of 2

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
AMG	A05	HEXAL GENTECH FORSCHUNGS-GMBH: ONCOQUICK-TM GEBRAUCHSANLEITUNG, Online!; greiner bio-one, oncoQuick Instruction Manual, http://www.hexal-gentech.de/products/man_d.pdf , XP002261835	
	A06	ALEXANDER GOETZ, "Mit OncoQuick den Metastasen auf der Spur, BIOFORUM, p. 394, 2001. Vol. 24, GFT VERLAG GMBH, DARMSTADT, XP002261836	
AMG	A07	ALEXANDER W. GOETZ et al., "Enrichment of disseminated breast cancer cells from human peripheral blood by advanced density gradient centrifugation", Proceedings of the American Association for Cancer Research Annual Meeting, March 2002, p. 733, Vol. 43, XP002261837	
AMG	A08	J. BISCHOFF et al., "Detection of disseminated tumor cells in bone marrow and peripheral blood of patients with metastatic breast cancer", Annual Meeting of the American Society of Clinical Oncology, May 2002, XP002261838	
AMG	A09	R. ROSENBERG et al., "Comparison of Two Density Gradient Centrifugation Systems for the Enrichment of Disseminated Tumor Cells in Blood", Cytometry, December 1, 2002, pp. 150-158, Vol. 49, No. 4	

Examiner
Signature

/Anne Gussow/

Date
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02/12/2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No: 029368.00003 (formerly 24741-1538)

Confirmation No.: 1428

In re patent application of:
Michael W. DAHM

Group Art Unit: 1643

Serial No.: 10/524,544

Filed: February 14, 2005

Examiner: GUSSOW, Anne

For: METHOD FOR THE IMMUNOCYTOLOGICAL OR MOLECULAR DETECTION
OF DISSEMINATED TUMOR CELLS FROM A BODY FLUID AND KIT THAT IS
SUITABLE THEREFOR

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: June 1, 2007

Sir:

Pursuant to 37 CFR §1.56, the attention of the U.S. Patent and Trademark Office is hereby directed to the information items listed on the attached PTO/SB/08. Unless otherwise indicated herein, one copy of each item is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the items be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

☐ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date, OR (b) before the mailing date of a first Office Action on the merits in the present application, OR (c) accompanies a Request for Continued Examination. No certification or fee is required.

☒ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).


06/04/2007 JADD01 00000050 10524544

☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual

designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).

- ☒ c. Check in the amount of \$180.00 is attached for payment of the fee under 37 CFR §1.17(p). Please charge any fee deficiency or credit any overpayment to Deposit Account Number 01-2300, referencing Attorney Docket Number 029368.00003, as needed to ensure consideration of the disclosed information.
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicants hereby petition that the Information Disclosure Statement be considered. Attached is our check number _____ in the amount of \$180.00 for payment of the petition fee under 37 CFR §1.17(i)(1). Please charge any fee deficiency or credit any overpayment to Deposit Account Number 01-2300, referencing Attorney Docket Number _____, as needed to ensure consideration of the disclosed information.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☒ 4. The relevance of the cited references is discussed in the Amendment and Reply Under 37 C.F.R. § 1.111 submitted herewith. The B02 reference shows the application of OncoQuick® to separate tumor cells from non-tumor cells in blood samples. A translation of the Abstract is attached.

Respectfully submitted,



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Enclosure: PTO/SB/08a

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number		10/524,544					
				Filing Date		February 14, 2005					
				First Named Inventor		Michael W. DAHM					
				Art Unit		1643					
				Examiner Name		GUSSOW, Anne					
Sheet				of				Attorney Docket Number		029368.00003 (formerly 24741-1538)	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	B01	US-7,211,433	05-01-2007	DAHM	Based on WO 00/46585 (reference A04 filed 02-14-2005)
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				

Examiner Signature	Date Considered
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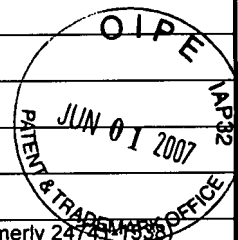
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 C.F.R. 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.R. 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions by reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/524,544
				Filing Date	February 14, 2005
				First Named Inventor	Michael W. DAHM
				Art Unit	1643
				Examiner Name	GUSSOW, Anne
Sheet	1	of	1	Attorney Docket Number	029368.00003 (formerly 24741.1540)



NON PATENT LITERATURE DOCUMENTS

Examiner initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	B02	GOETZ, Alexander, "Mit OncoQuick den Metastasen auf der Spur", BIOforum forschung und entwicklung, p. 394, 2001, Vol. 24, XP-002261836, GIT VERLAG GMBH, Darmstadt, Germany	
	B03	English language translation of Abstract paragraph for Goetz article "Mit OncoQuick den Metastasen auf der Spur", BIOforum forschung und entwicklung, 24 (201) 394.	

Examiner Signature		Date Considered	
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